

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

U.S. PATENT APPLICATION NO.....10/685,912
FILING DATE 15 October 2003
INVENTORFiehler et al.
ASSIGNEESt. Jude Medical Puerto Rico B.V.
ART UNIT 3731
EXAMINER..... Natalie R. Pous
ATTORNEY'S DOCKET NO.47563.0011
TITLE..... "Tissue Puncture Closure Device With Automatic Tamping"

TERMINAL DISCLAIMER TO OBVIATE A PROVISIONAL DOUBLE PATENTING REJECTION OVER A PENDING "REFERENCE" APPLICATION

To: Mail Stop Amendment
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

From: L. Grant Foster
HOLLAND & HART LLP
P.O. Box 11583
Salt Lake City, Utah 84147-0583
Telephone: (801) 799-5830
Facsimile: (801) 799-5700

Petitioner, St. Jude Medical Puerto Rico B.V., having a place of business at Drentesraat 20, 1083 HK, Amsterdam, Netherlands, represents that it is the owner of the entire right, title, and interest in and to U.S. Patent Application No. 10/685,912, filed on 15 October 2003, by virtue of an Assignment filed and recorded on 8 December 2003, at Reel/Frame 014781/0828, and U.S. Patent Application No. 11/103,196, filed on 11 April 2005 (the "reference application"), by virtue of an Assignment filed and recorded on 11 April 2005, at Reel/Frame 016459/0838, in the United States Patent and Trademark Office.

Petitioner hereby disclaims, except as provided below, the terminal part of the statutory term of any patent granted on the above identified patent application which would extend beyond the expiration date of the full statutory term of any patent granted on the pending reference application as such term of any patent granted on the reference application may be shortened by

any terminal disclaimer filed prior to the grant of any patent on the reference application. Petitioner hereby agrees that any patent granted on the above identified patent application shall be enforceable only for and during such period that the legal title to any patent granted on the reference application shall be the same as the legal title to any patent granted on the above identified patent application. This agreement runs with any patent granted on the above identified patent application and is binding upon the grantee, its successors or assigns.

In making the above disclaimer, Petitioner does not disclaim the terminal part of any patent granted on the above identified patent application that would extend to the expiration date of the full statutory term of any patent granted on said reference application, as such term of any patent granted on the reference application may be shortened by any terminal disclaimer filed prior to the grant of any patent on the reference application, in the event that any such patent granted on the pending reference application:

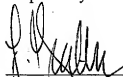
- expires for failure to pay maintenance fees;
- is held unenforceable
- is found invalid in a final judgment by a court of competent jurisdiction;
- is statutorily disclaimed in whole or terminally disclaimed under 37 C.F.R. § 1.321;
- has all claims canceled by a reexamination certificate;
- is reissued; or
- is in any manner terminated prior to the expiration of its full statutory term as shortened by any terminal disclaimer filed prior to its grant.

Further, Petitioner does not disclaim any terminal part of a patent granted on the above identified patent application that would extend beyond the termination of any patent granted on the reference application in the event that the term of the reference application is extended by any present or future provision of the patent law including but not limited to compliance with the conditions for patent term extension provided in 35 U.S.C. §§ 155, 155A or 156, and Petitioner does not waive the right to extend the term of a patent granted on the above identified patent application to the extent provided by law.

The undersigned (whose title is supplied below) certifies that he/she is an attorney or agent of record (Reg. No. 33,236). The undersigned declares that all statements made herein of his/her own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001, Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the above-identified application or any patent issuing therefrom.

Respectfully submitted,

Date 21 March 2007



L. Grant Foster
Registration No. 33,236